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Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1740 (2007) of 23 January 2007, which established the United Nations Mission in Nepal (UNMIN). The resolution welcomed the continued progress of the peace process in Nepal, and as requested by the Government of Nepal and the Communist Party of Nepal (Maoist), or CPN(M), mandated a special political mission to monitor the management of the arms and armed personnel of CPN(M) and the Nepal Army, assist in monitoring ceasefire arrangements, provide technical support for the conduct of the election of a Constituent Assembly in a free and fair atmosphere and provide a small team of electoral monitors. On 8 February 2007, I appointed Ian Martin, who had been serving as my Personal Representative in Nepal, as my Special Representative and Head of Mission.

2. The present report reviews the progress of the peace process since my report to the Council of 9 January 2007 (S/2007/7) and the activities of UNMIN since its establishment on 23 January 2007, and assesses the continuing challenges and opportunities for sustainable peace in Nepal.

II. Progress of the peace process

3. Since the establishment of the Mission, the peace process in Nepal has made remarkable progress within a very short time frame, while experiencing a number of difficulties and understandable delays; however, consolidating those gains remains essential. Implementation of the Comprehensive Peace Agreement, signed by the Seven-Party Alliance Government and CPN(M) on 21 November 2006, has advanced. The parties agreed upon an interim Constitution, which was promulgated on 15 January 2007; the Parliament, which had been reinstated in April 2006, was dissolved and replaced by an interim legislature-parliament. The new body includes Maoist members in addition to those of political parties elected to the House of Representatives in 1999 and some nominated members of civil society. On 1 April 2007 the Seven-Party Alliance Government and CPN(M) ("the eight parties") formed an interim Government under Prime Minister Girija Prasad Koirala, in which CPN(M) ministers hold 5 out of 22 Cabinet positions.

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4. The Seven-Party Alliance had linked the inclusion of CPN(M) in the interim legislature-parliament and interim Government to progress regarding the management of arms and armed personnel. In all, 31,152 Maoist personnel have been assembled in 7 main and 21 satellite sites around the country, and 3,475 weapons have been registered. The weapons are now stored in containers with around-the-clock monitoring by UNMIN, with the exception of weapons retained for perimeter security at the cantonments in accordance with the 8 December 2006 agreement on monitoring of the management of arms and armies or for the personal security of CPN(M) leaders. The Nepal Army has stored the number and types of weapons equivalent to those stored by the Maoist army, under the same procedures for registration and monitoring by UNMIN. As of mid-April, UNMIN was ready to begin the second stage of registration and verification of Maoist combatants.

5. However, those important achievements have occurred against a backdrop of escalating social unrest and long-standing issues of exclusion, aggravated by the determination of traditionally marginalized groups to take advantage of the opportunity to press for adequate representation in the Constituent Assembly and by their dissatisfaction with the interim Constitution. Groups representing the Madhesi, the people of the Terai plains along Nepal's southern border, engaged in widening protests throughout the period from January to March 2007, demanding amendments to the interim Constitution and changes in electoral arrangements to guarantee representation in accordance with their proportion of the population in the Constituent Assembly and official bodies, together with a commitment to a federal State.

6. Some demonstrations turned violent, and in a number of cases the Nepal Police and Armed Police Force responded with excessive use of force. At least 18 out of 24 deaths documented by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Nepal between 22 January and 7 February were the result of police action; many others were injured, and there was extensive damage to property, including government offices. In the Terai, tensions and violence increased between protesters representing the Madhesi People's Rights Forum (MPRF), two armed factions of the Jantantrik Terai Mukti Morcha (JTMM) and CPN(M). Concerns were high that potential spoilers were seeking to take advantage of the unrest to derail the peace process, and some clashes took on a communal character between the Madhesi (those not of hill origin) and the Pahadis (those originating in the hills). Groups representing the Janajatis (indigenous people), including the Nepal Federation of Indigenous Nationalities, supported the Madhesi protests or asserted parallel demands for inclusion. At times, the demands from traditionally marginalized groups threatened to overtake the Government-Maoist peace process as laid out in the Comprehensive Peace Agreement and the interim Constitution.

7. The Seven-Party Alliance and CPN(M) struggled to respond to the crisis effectively through steps to restore law and order and through a substantive response to grievances recognized as legitimate. In a major speech to the nation on 7 February 2007, Prime Minister Girija Prasad Koirala, supported by leaders of all eight parties, announced significant concessions in an effort to calm the widespread Madhesi protests. The eight parties undertook to allocate 49 per cent of the Constituent Assembly seats to the Terai region, in proportion to its share of the population according to Nepal's most recent census, and to amend the interim Constitution to incorporate a commitment to a future federal State. The Government

established a ministerial team to engage in dialogue with Madhesi groups and with representatives of other traditionally marginalized groups. Although the Terai protests abated, formal talks between the government team, MPRF and JTMM did not get under way before the establishment of the interim Government, which immediately appointed a new team to continue efforts towards dialogue. Other traditionally marginalized groups have continued to protest in support of their respective demands, with Janajati representatives expressing their preference for a round table with all protesting groups rather than separate negotiations focusing on individual communities.

8. On 21 March 2007 at least 27 people, mostly linked to CPN(M), were killed in the Terai town of Gaur, close to the Nepal border with India, after violence broke out at simultaneous rallies of CPN(M) and MPRF. The Maoists remained restrained after the deaths of their members, although Maoist combatants did briefly leave cantonment sites to peacefully protest the Gaur killings, in violation of the agreement on monitoring the management of arms and armies. The situation in the Terai has remained turbulent, with a number of militant factions continuing to operate, including the two factions of JTMM, the Terai Tigers, the Terai Cobra and the Nepal Defense Army (NDA), a fundamentalist group committed to a Hindu kingdom in Nepal, which has claimed responsibility for planting explosive devices at various locations, including at the homes of civil society activists in Kathmandu. The Gaur killings underscored the serious deficiencies of law enforcement in the country and the dangers of increased criminality along the border with India, which the Governments of Nepal and India are cooperating to address.

9. The participation of women in the peace process has shown little if any progress. As part of the effort to ensure the inclusiveness of the process, it is hoped that the interim Government and all concerned will make a renewed attempt to ensure a wider and deeper involvement of Nepalese women in the search for lasting peace.

10. Public security has been a matter of concern not only in the Terai but throughout much of the country. There have been widespread complaints that CPN(M) has continued to engage in a persistent pattern of low-level intimidation and threats against various sectors, particularly businesses in urban areas, leading to protests from the business community. The Young Communist League (YCL) established by CPN(M) at the beginning of February 2007 has taken individuals into its custody and engaged in other quasi-policing activities, raising concerns that the Maoists have failed to fully abandon parallel security mechanisms. The formation of the interim Government offers the opportunity for CPN(M) to participate within the Government in establishing public security, ensuring the full cooperation of its cadres with State law enforcement authorities.

11. As part of their negotiations leading to the formation of the interim Government on 1 April 2007, the eight parties adopted a common minimum programme, by which they renewed their commitment to past agreements, including building a conducive environment for a peaceful election. The parties agreed among themselves on 20 June 2007 as the date for the Constituent Assembly election, although the election date requires a formal decision by the interim Government and further amendment of the interim Constitution, which stipulates that the election should take place by 14 June. They agreed to establish a joint coordination committee of the eight parties to assist the interim Government, solve problems and

monitor the implementation of the common minimum programme, and local monitoring committees in each district, comprising locally active political parties and others, to monitor implementation of the peace agreement. The eight parties decided upon, and the interim Government sent to the interim legislature-parliament, amendments to the interim Constitution providing for a two-thirds majority no-confidence vote against the Prime Minister, and a two-thirds majority vote to abolish the monarchy if the King is found to pose grave obstacles to the holding of the Constituent Assembly election. The interim Constitution otherwise provides for the decision to retain or abolish the monarchy to be decided by a simple majority of the first session of the Constituent Assembly.

12. The Seven-Party Alliance and CPN(M) originally decided in their agreement of 8 November 2006 that the Constituent Assembly election should be held by mid-June as the culmination of a timetable that had envisaged the formation of the interim Government on 1 December 2006. Since the appointment of the Chief Election Commissioner on 30 October 2006 and of four other members in November and January, Nepal's Election Commission, with the support of UNMIN electoral advisers, has worked hard to make the necessary preparations to meet this already ambitious timetable. This has proved increasingly difficult owing to three key factors: the late passage of essential electoral legislation, making it impossible to meet the timetable for logistical and other reasons; the need to address the concerns of traditionally marginalized groups, including through the addition of constituencies and the consideration of quotas within the electoral system; and the time needed to create sufficient public security. On 12 April 2007 the Election Commission informed the interim Government that an election by the mid-June deadline established in the interim Constitution had become impossible and that a minimum of 110 days from the passage of the necessary legislation would be required. The interim Government has yet to act on the advice of the Commission.

13. The reluctance of the parties to postpone the date of the election reflected real concerns that the peace process might stall and encounter further difficulties from spoilers if its momentum were not maintained. Averting such dangers requires determined cooperation among the parties represented in the interim Government and the legislature-parliament, as well as civil society and all democratic forces in Nepal to create the conditions necessary for a credible Constituent Assembly election.

III. Establishment of the United Nations Mission in Nepal

14. The decision by the Security Council of 1 December 2006 (S/PRST/2006/49) to endorse the proposal of my predecessor in his letter of 22 November 2006 (S/2006/920) for the advance deployment of up to 35 arms monitors and up to 25 electoral personnel enabled the then Office of the Personal Representative and subsequently UNMIN to respond to the urgent request of the parties to the peace agreement to proceed rapidly with monitoring the management of arms and armed personnel and with assisting the electoral process.

15. On 26 March 2007 the General Assembly, in its resolution 61/259, approved a budget of $88,822,000 for the Mission for the year 2007. Prior to that date, UNMIN operated on the basis of a commitment authority of $9,363,000 authorized on 20 December 2006 by the Advisory Committee on Administrative and Budgetary

Questions, pursuant to the provisions contained in paragraph 3 of Assembly resolution 60/249.

16. While arms monitoring and electoral assistance were able to move forward expeditiously, the Mission faced considerable operational constraints in terms of human and logistical resources as its budget allocation was being deliberated. Arms monitors in particular faced major challenges in terms of communications equipment and transport, in large part due to competing mission deployment demands elsewhere. UNMIN was not able to recruit beyond posts approved under the pre-mandate commitment authority until its budget and staffing table were approved. Partial temporary solutions to the need to have staff on the ground as soon as possible included sending staff on temporary duty from other missions to UNMIN. I thank other missions for their understanding, and express appreciation to the Governments of Denmark, India, Norway and the United Kingdom of Great Britain and Northern Ireland for assistance regarding urgent logistical requirements.

17. With the approval of the budget, staff recruitment is proceeding as rapidly as possible. UNMIN is projected to have a short lifespan, and normal processes for recruitment and deployment of logistical support make rapid deployment of such a mission with limited duration an extremely difficult undertaking.

18. A draft status of mission agreement was submitted to the Permanent Mission of Nepal on 23 February 2007. On 13 April the Ministry of Foreign Affairs responded by proposing a number of modifications, which are under discussion. The Government of Nepal has extended excellent support during the arrival and clearance of UNMIN equipment. The Government has provided facilities at Kathmandu and regional airports and has agreed to make available part of the Birendra International Convention Centre in Kathmandu for the Mission's headquarters and to provide buildings for the Mission's regional offices in Biratnagar, Pokhara, Nepalgunj and Dhangadhi.

IV. Activities of the United Nations Mission in Nepal

19. My Special Representative and his team have continued to engage a wide range of national and international actors in the effort to help create an atmosphere conducive to the Constituent Assembly election and the success of Nepal's political transition. The core elements of the Mission, gradually built around the initial team of my then Personal Representative, have been carrying out their tasks while awaiting the approval of the Mission's budget and the deployment of its full complement of personnel.

A. Arms monitoring

20. The advance deployment of 35 arms monitors authorized on 1 December 2006, together with support from the United Nations Development Programme (UNDP) registration experts and the Interim Task Force, a national mechanism composed of Nepalese ex-servicemen from the Indian Army, allowed the registration of Maoist army combatants and their weapons to begin in mid-January and the first stage of registration, including weapons storage, to be completed at cantonment sites in

mid-February. Registration and storage of Nepal Army weapons was completed on 12 April 2007.

21. Planning for the monitoring of arms and armed personnel began with a senior military adviser and three military advisers deployed to the Office of the then Personal Representative from October until the end of December 2006. From 1 January 2007, the total number of monitors deployed at each subsequent month-end has been as follows: January, 34; February, 64; March, 91. The total as of 15 April was 112, and deployment is expected to be completed, taking into account logistical requirements, during May. Arms monitors are maintaining an around-the-clock presence at the seven main Maoist army cantonment sites and the Nepal Army weapons storage site. As of 15 April three sector headquarters are operational: the Western Sector in Nepalgunj; the Central Sector in Kathmandu; and the Eastern Sector in Biratnagar. The final two sector headquarters are being established for the Far Western Sector in Dhangadhi and for the Mid-Western Sector in Pokhara.

22. United Nations Development Programme registration teams, representatives of the United Nations Children's Fund (UNICEF) and members of the Interim Task Force supported United Nations arms monitors in the registration process. It was reported to the Joint Monitoring Coordination Committee that 31,152 personnel and 3,475 weapons had been registered. Nineteen per cent of the personnel registered are women. The Committee issued its findings on the process on 8 March 2007.

23. The weapons registered included those retained for perimeter security at the cantonment sites in accordance with the agreement on monitoring the management of arms and armies and 96 weapons retained outside the cantonments for the security of CPN(M) leaders. The Mission has repeatedly pressed the Government and CPN(M) to reach final agreement on the modalities for CPN(M) leadership security, which has complicated the arms monitoring regime. Although UNMIN was informed that agreement had been reached in principle, as of 15 April it had not been formalized. All parties have, however, agreed that any other weapons discovered should be treated as a violation of law, subject to seizure and prosecution.

24. In accordance with the agreement, 2,855 Nepal Army weapons were registered and stored from 10 to 13 April 2007 at the Chhauni Barracks in Kathmandu. That number corresponds to the number stored by the Maoist army, excluding those retained for perimeter and leadership security, and the weapons are composed of equivalent types.

25. All seven Maoist army weapon storage areas and the one Nepal Army weapon storage area are monitored under the arrangements laid down in the agreement on monitoring the management of arms and armies, including the around-the-clock presence of United Nations arms monitors and electronic surveillance. Arms monitors carry out visits to satellite cantonment sites and Nepal Army barracks and investigate incidents as appropriate. UNMIN has been ready to commence the second phase of registration and verification of Maoist army combatants, which will require those remaining in cantonments to have been born before 25 May 1988 and not to have been recruited after 25 May 2006. As of mid-April, the modalities for verification and for the discharge of children under 18 had not been agreed by the CPN(M), which publicly denied their presence. In addition, the CPN(M) leadership wanted the interim Government to initiate discussions on the future of Maoist

combatants and on further measures to improve conditions at cantonment sites before verification could proceed.

26. Conditions at cantonment sites have been of great concern to UNMIN. Although these are not in any way a responsibility of the United Nations, UNMIN and the agencies of the United Nations system have made repeated efforts to promote cooperation between the Government and CPN(M) to improve conditions and have expressed their willingness to respond to requests for assistance. The interim Government has established a new committee for cantonment management headed by the Minister for Peace and Rehabilitation and including the senior CPN(M) minister, and is committed to making urgent improvements. The task is, however, made more difficult by the fact that the number of personnel in the cantonments is greatly in excess of expectations, which in turn requires UNMIN to undertake verification as soon as possible. The onset of the monsoon rains expected in mid-June makes rapid improvements imperative.

27. As of 15 April, the Joint Monitoring Coordination Committee had held 24 meetings. The spirit of cooperation in the group, comprising UNMIN, Nepal Army and Maoist army representatives, has been excellent. The formation of the interim Government should make progress on a range of issues facing the Committee easier.

28. Improvised explosive devices, used in large numbers by the Maoist army during the conflict, have been collected at designated areas a safe distance from each of the seven main cantonment sites. The disposal of such devices, as well as the clearing of Nepal Army minefields, is the responsibility of the parties. However, in view of the security risks the devices represent and in the interest of minimizing factors that could adversely affect the cantonment and arms monitoring process, the UNMIN Mine Action Unit has been conducting assessments of storage facilities for such devices all at main sites to estimate the quantity and ascertain the condition of stored explosives. An estimated total of 10 tons of explosives are currently stored at the seven sites, consisting of bulk explosives, improvised explosive devices and unexploded ordnance. The Mine Action Unit has been monitoring the storage process and has made recommendations for the improvement of the storage facilities. Maoist commanders have been given advice on mitigating the risk of accidental detonation and have been requested to identify a location for the establishment of a demolition range at each cantonment site. Currently, instructions have been given not to approach the storage areas, and the Unit assesses that the risk to United Nations staff on cantonments is acceptable as long as the arms monitors follow those safety instructions.

29. The Mine Action Unit has urged the early destruction of all items stored, in view of the dangers resulting from the combination of an accumulation of explosives on storage sites, increasing temperatures and the age and condition of some of the explosives. A demolition plan has been approved by the Joint Monitoring Coordination Committee, giving priority to the disposal of items classified as unsafe to store. With the financial support of donors, a company based in the United Kingdom, the Armor Group, has been contracted to monitor the storage on a continuing basis and initiate destruction of the highest priority items. The Maoist army and the Nepal Army have agreed to appoint liaison officers to the Unit, which is expected to greatly facilitate coordination and communication between the parties. The Mine Action Unit is also liaising with the Nepal Army to render support, within the Unit's capabilities, in the clearing of its mine fields.

B. Electoral support

30. The Mission's electoral advisers have been providing technical assistance and advice to the Election Commission in the following areas: the legal framework and laws; voter education; training; logistics; political party, domestic and international observation accreditation; media; information technology; website development; and field support. UNMIN advisers have provided extensive advice on the planning and preparation of an election that is in line with international standards and have recommended amendments to draft election laws, in particular to ensure inclusion in accordance with the commitments of the interim Constitution. Decisions regarding the content of law and practice are made by the authorities of Nepal.

31. The total number of staff of the Electoral Assistance Office as of 15 April was 24. Nine are based at the headquarters of the Election Commission in Kathmandu and three in each of the five regions, in Biratnagar, Pokhara, Kathmandu, Nepalgunj and Dhangadhi. Four more positions that are in the process of being filled will all be at Kathmandu headquarters. Preparations, including a district-by-district security assessment, are under way for the deployment of 124 international and 43 national United Nations Volunteers who will serve as associate electoral officers in the 75 districts in Nepal. The scheduling of deployment will depend on final decisions regarding the election timetable. The team of electoral expert monitors, who will review all technical aspects of the electoral process and report on the conduct of the election, has been selected. They will be formally appointed by the Secretary-General in the near future.

32. The Election Commission's notification to the interim Government that a mid-June election had become impossible cited, in addition to legislative and logistical requirements, the security environment. This highlights the importance of early deployment of the UNMIN small police advisory team.

C. Civil affairs

33. The Civil Affairs Office is responsible for implementing the Mission's mandate to assist in the monitoring of the ceasefire arrangements beyond the management of arms and armed personnel. The parties have made repeated commitments, which are essential to creating the conditions in the countryside for a credible Constituent Assembly election. Those commitments were first detailed in the ceasefire code of conduct in May 2006, and they were reiterated and extended in subsequent agreements, including in the Comprehensive Peace Agreement and most recently in the common minimum programme of the interim Government. The commitments, in addition to those regarding arms and armed personnel, include assuring freedom for political activists and members of social organizations to move throughout the country, express their views and engage in campaigning and other activities; allowing government and other essential services and facilities to operate without disruption; and ensuring the return of property seized or locked up during the conflict. Ensuring adequate political space and a level playing field for all in the rural areas, where there has been a prolonged absence of the State, will be crucial for the credibility of the election.

34. A national monitoring committee established by the parties in May 2006 to monitor the ceasefire code of conduct was dissolved after the Comprehensive Peace

Agreement was signed in November 2006, with the parties expressing their intention to establish a new monitoring body. My Special Representative has consistently emphasized the importance of a credible independent national monitoring mechanism for the peace process, but the establishment of such a mechanism has been delayed pending the formation of the interim Government. As of mid-April, the new Ministry for Peace and Reconstruction was developing plans for a high-level monitoring body as well as for local committees in each district to monitor implementation of the peace agreement.

35. The Civil Affairs Office, which did not benefit from any substantial advance deployment and as of 15 April had only two officers, has engaged in recruitment and planning the training and deployment of its future staff. This has included coordination with OHCHR, the Office for the Coordination of Humanitarian Affairs and other agencies of the United Nations system with a local presence that can contribute to monitoring and with sections of civil society to explain the future role of the civil affairs officers.

D. Political affairs

36. The Political Affairs Section, which as of 15 April comprised only one international and one national officer, supported my Special Representative in intensive dialogue with all the major stakeholders in the peace process, including the Government, political parties, civil society and other concerned citizens, and the diplomatic community. The prominence that the grievances and demands of traditionally marginalized communities have assumed during the period has complicated an already complex political landscape. The Mission has encouraged an inclusive dialogue within Nepalese society that can lead to a consensus on election arrangements and contribute to longer-term solutions. The Political Affairs Section also provided support to the Arms Monitoring Office in negotiations regarding the management of arms and armed personnel and, pending the establishment of the coordination unit, ensured coordination with the United Nations country team. Full staffing of the Section is expected in May.

E. Public information and outreach

37. The focus of the Communications and Public Information Section during the reporting period was primarily on the media, seeking to ensure that the mandate and activities of the Mission in support of the peace process were well understood. Planning for outreach activities has included identification of target audiences, especially in the regions and districts, at cantonment sites and among traditionally marginalized communities, and preparation for the production of public information materials. Implementation will take place as soon as the necessary staff have been recruited.

38. My Special Representative conducted five press conferences during the period, while UNMIN issued press statements and engaged in frequent encounters and briefings with the press. Statements were disseminated widely to regional and district media and at the national level, and achieved generally accurate reporting of the Mission's work and concerns. To ensure that marginalized groups remained informed of the Mission's work, statements were disseminated directly to targeted

civil society networks, including organizations representing women, Dalits and indigenous and Madhesi communities, and to community radio networks so that they could be broadcast in local languages in rural areas.

39. The Communications and Public Information Section has operated during the period with minimal staffing: the spokesperson was recruited in mid-February and joined by a national media officer in mid-March. Two United Nations Volunteers, a photographer and a press officer, joined in early April. Most staff are expected to be in place by mid-May.

F. Safety and security

40. Overall, security in Nepal has improved since the end of conflict in May 2006. The law-and-order situation has, however, deteriorated in many respects. United Nations staff are not assessed to be under direct threat from any group, although protest activities have affected Mission operations. The Madhesi People's Rights Forum, which is active primarily in the Eastern, Central and Western Terai areas, has mobilized large numbers to participate in general strikes, establish road blocks to disrupt movement and block activities such as the work of customs posts along the border. The leaders of the Madhesi People's Rights Forum and of some other organizations have publicly stated that the United Nations has free passage during strikes, but on the ground the demonstrators have sometimes challenged United Nations movement. UNMIN continues to enjoy relative freedom of movement, but exercises caution during the many civil disturbances as violence can occur without warning. Strong emphasis is laid upon security assessment and upon following minimum operating security standards.

41. Recruitment is in process for the full UNMIN Safety and Security Section, together with planning for its integration into the Department of Safety and Security operations in Nepal.

G. Administration and logistics

42. The establishment of the necessary administrative and logistics support infrastructure lagged somewhat behind the arrival of the advance contingents of arms monitors and electoral advisers and their deployment to the regions and cantonments, since UNMIN was constrained by the limits of the pre-mandate commitment authority as well as by the competing material and personnel needs of other deploying peacekeeping missions. During this critical build-up phase, UNMIN received significant assistance from agencies of the United Nations system in Nepal, in the form of office space and furniture, loans of vehicles with drivers and provision of supplies, as well as procurement and financial services. Initial communications and information technology equipment needs were met to the extent possible from strategic deployments stocks, airlifted to Kathmandu from the United Nations Logistics Base in Brindisi, Italy. The Government of India donated 82 4x4 vehicles, buses and pick-up trucks and 20 generators to the Government of Nepal for loan to UNMIN, out of which 50 4x4 vehicles and 10 buses have been delivered so far. With the approval of the Mission's budget by the General Assembly on 26 March 2007, it will be possible to achieve the full administrative and logistics infrastructure, including the establishment of the UNMIN headquarters in the

Birendra International Convention Centre, Kathmandu, and the five regional offices in Biratnagar, Pokhara, Kathmandu, Nepalgunj and Dhangadhi, to support the deployment of the remaining arms monitors, electoral advisers, civil affairs officers and other substantive staff. To that end, more than 300 tons of equipment from the strategic deployment stocks in Brindisi had been flown out to Nepal by the third week of April.

V. Human rights

43. In line with the request of the Nepalese parties for continued human rights monitoring by the Office of the United Nations High Commissioner for Human Rights, the Office continued its monitoring, capacity-building and outreach activities, in cooperation with the United Nations Mission in Nepal as appropriate. Activities focused on human rights issues related to the peace process, with priority given to monitoring events in the Terai. Human rights concerns related to law enforcement, both by police and by CPN(M), with its parallel "law enforcement" activities, dominated the period. Police responses to demonstrations and other incidents in the Central and Eastern regions of the Terai ranged from excessive use of force (at least 18 out of 24 deaths documented by OHCHR between 22 January and 7 February 2007 were the result of police action) and almost total inaction. The main conclusion of the Office's investigations into the 27 killings in Gaur on 21 March 2007 was that the local authorities and police failed to prevent and stop the violence and the killings. Allegations of rape and sexual mutilation during that incident were not confirmed by medical or testimonial evidence.

44. The Office intervened in a number of cases of abductions by CPN(M), including by its Young Communist League. The Communist Party of Nepal (Maoist) continued to maintain small groups of individuals in captivity who were serving "sentences" passed by "people's courts". The Office also investigated a number of clashes or violent incidents involving CPN(M) and MPRF, or CPN(M) and other political parties.

45. In order to promote dialogue and tolerance, OHCHR began a series of activities bringing together different stakeholders to discuss human rights and the peace process, with the participation of UNMIN. The Office gave briefings to representatives of the Government, civil society and others to raise awareness about the need for broad consultation prior to the setting up of the Truth and Reconciliation Commission envisaged in the Comprehensive Peace Agreement. It also continued to press for the prosecution of those responsible for human rights violations. It provided a forensic expert to support the exhumation of remains thought to be those of Maina Sunuwar, a 15-year-old girl who died after torture in the custody of the Nepal Army in 2004; the exhumation finally took place in March 2007, but investigations have so far made little progress. The need to set up a credible independent commission of inquiry to look into disappearances committed on both sides during the conflict remains a pressing outstanding issue, despite repeated commitments in agreements and elsewhere to do so. In relation to the above, further efforts will be required by the authorities to ensure an end to impunity, including through investigations into past crimes, and the entrenchment of the rule of law for the future.

46. The Office has continued to work with and provide training for national actors, particularly the National Human Rights Commission, in building national capacity to address the human rights situation in the future. The Commission, though referred to in the interim Constitution, remains impeded in its work as the Government has not yet appointed commissioners.

47. The United Nations High Commissioner for Human Rights visited Nepal from 19 to 24 January 2007 to support the work of her Office and to hold meetings with key stakeholders. The visit focused primarily on the issues of social inclusion and representation, accountability and the need to strengthen law enforcement to develop a professional police service fully respecting human rights. In a welcome development, the agreement between the Office of the United Nations High Commissioner for Human Rights and the Government of Nepal was extended for a further two years in April 2007.

VI. United Nations country team coordination

48. UNMIN and the United Nations country team have established an excellent working relationship, enabling my Special Representative to fulfil his responsibility to coordinate the United Nations effort in Nepal in support of the peace process. In early April a joint strategic framework for supporting the peace process was agreed. The strategic framework also forms the basis of one of the four priority areas defined by the United Nations Development Assistance Framework 2008-2010, which is currently being finalized in consultation with the Government and development partners. For the coming 18 months, the strategic framework will serve as the basis for the reorientation of existing programmes and the formulation of new priority programmes to support the peace process. Cooperation between UNMIN, UNDP, UNICEF and the United Nations Population Fund (UNFPA) has been firmly established regarding the registration of Maoist combatants and the encouragement and support of improvement of cantonment conditions.

49. To complement the Peace Trust Fund of the Government of Nepal launched in February 2007, a United Nations peace fund for Nepal (United Nations fund) was established on 13 March 2007. Under the same overall governance structure as the Nepal Peace Trust Fund, which is overseen by a government steering committee with United Nations and donor participation, the United Nations fund will enhance the United Nations and donor coordination efforts under the leadership of UNMIN.

50. The United Nations fund will enable support in five main priority clusters, as follows: (a) cantonments and reintegration; (b) elections and governance; (c) quick impact (for vulnerable communities); (d) security sector; and (e) rights and reconciliation. It is envisaged that the United Nations fund will be phased out two years from the date of its establishment, and in that period it will have the capacity to facilitate rapid support from the agencies of the United Nations system for the peace process. The fund has received contributions of $1 million from the United Kingdom and of $1.2 million from Denmark, and other donors have indicated their interest in contributing. The first project approved by the United Nations fund was the funding of the contract in support of the mine action and improvised explosive devices disposal activities described in paragraph 29 above.

VII. Observations

51. The peace process in Nepal has advanced considerably in a very short period of time. Few could have imagined at the beginning of 2006 that an end to the armed conflict would have been declared, that agreement on the management of arms and armed personnel would be in the process of implementation under United Nations monitoring with broadly cooperative relationships between the Nepal Army and the Maoist army, that CPN(M) would have entered an interim legislature and Government, and there would be almost universal agreement on the need to move forward to a new constitutional settlement through a Constituent Assembly election. These are historic achievements, and I congratulate all the parties to the peace process for their hard work to achieve consensus on difficult issues.

52. While much has been achieved, much also remains to be done. The task of monitoring the management of arms and armed personnel, which has been entrusted to the United Nations, is a first step in a process. It has brought into sharp relief the complexity of the process, including the unsatisfactory conditions of the Maoist army cantonments, which must be addressed through early decisions on the future of former combatants, in the context of longer-term reform of the security sector.

53. The election of a Constituent Assembly, which is the core objective of the Mission's role, must be conducted in an environment conducive to a genuine expression of the will of the Nepalese people. This will require support for and cooperation with the Election Commission as it organizes Nepal's first election involving partial proportional representation and ensures voter education for a unique Constituent Assembly poll. It will also require a cooperative effort to establish public security through effective law enforcement that respects human rights, in a country previously divided between State and non-State actors and where the police have yet to be deployed nationwide.

54. The government's commitment to dialogue must be successful in ensuring that civil society in Nepal, in particular its many traditionally marginalized communities, feel ownership of the Constituent Assembly process. The Constituent Assembly is seen as the opportunity to create a "new Nepal", and both the election that determines representation in this body and the constitution-making process that follows must be fashioned in such a way that those Nepalese who have too often been without a voice will be heard.

55. The peace process in Nepal is ultimately about resolving long-term underlying causes of the conflict. The challenge this represents and its potential impact on the short- and medium-term transitional peace efforts now in progress cannot be underestimated.

56. The process is Nepali-owned. The parties have demonstrated that they are capable of overcoming difficulties when they reach consensus agreements and act with unity of purpose. Maintaining unity of purpose will be essential in the months ahead as the country grapples with the immense challenges of reshaping itself as a peaceful, democratic and inclusive state. UNMIN, with the support of all relevant entities of the United Nations system and the wider international community, will play its part in supporting this endeavour in accordance with its mandate.